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B I L L

INTITULED

An Act to enable Day Industrial Schools to be established A.D. 1901.
in Ireland.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Day Industrial Schools Short title.
(Ireland) Act, 1901.

2. This Act shall extend to Ireland only.

Extent

3. In the construction of this Act—

Definitions.

The expression "Chief Secretary" shall mean the Chief Secretary of the Lord Lieutenant of Ireland for the time being:

The expression "justices" shall mean two or more justices in petty sessions, and the expression "magistrate" shall mean a police magistrate acting in any police court for the Dublin metropolitan district.

4. If the Chief Secretary is satisfied that owing to the circumstances of any class of population in any district a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may in like manner as under the Industrial Schools (Ireland) Act, 1898, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of such population to be a certified day industrial school.

Power to certify day industrial schools

31 & 32 Vict. c. 25.

5. In order to obtain the approval of the Chief Secretary as aforesaid where required, the managers of the school or promoters of the intended school shall forward to the Chief Secretary

Particulars required before approval.

[Bill 275.]

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particulars of the proposed establishment or charges, the plan of the proposed alterations, enlargement, rebuilding or building, drawn on such scale and accompanied by such particulars and estimates of costs as the Chief Secretary shall think fit to require, and the Chief Secretary may approve of the particulars and plans submitted to him with or without modification or may disapprove of the same, and his approval or disapproval shall be certified in writing under his hand.

Power to
withdraw
certificate.

6. If the Chief Secretary is of opinion that by reason of change of circumstances or otherwise a certified day industrial school ceases to be necessary or expedient for the proper training or control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school. Provided that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, and if not, within one month from the then next sitting of Parliament.

Funds

[7. The Commissioners of His Majesty's Treasury may from time to time contribute out of money provided by Parliament for the purpose such sums as the Chief Secretary from time to time thinks fit to recommend towards the custody and maintenance of children detained in a day industrial school.]

Power to
county
council
to enter into
agreement
with man-
agers of day
industrial
schools.

8. It shall and may be lawful for a county council, at a special meeting of such council called for the purpose, to appoint and empower a committee of such council to enter into an agreement with the managers of a day industrial school certified as aforesaid for the reception, maintenance, and keeping in such day industrial school from time to time of such children as are ordered by justices, or by a magistrate, to be sent there from the county, in consideration of such periodical payments as may be agreed upon with such managers, [and such county council shall pay such sums as may from time to time become payable under such agreement.]

Power to
magistrate
to order
parents of
children
sent to
school to
contribute

9. Where two justices or a magistrate order a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school, such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act. If a parent is unable to pay the sum required

by the said order to be paid, he shall apply to the guardians of the union in which he resides, [who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay.] A.D. 1901.

10. If on the hearing of any application to commit a child to a day industrial school no order is made by the court for the parent to contribute towards the support of the child, it shall be lawful at any time during the detention of such child in a certified day industrial school for two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid, resides, on the complaint of the school attendance committee and on a summons to the parent, step-parent, or other person liable to maintain him, to make an order or decree on him for payment to the school attendance committee or their agent of such weekly sum not exceeding two shillings per week, as to them or him seems reasonable during the whole or any part of the time for which the child is liable to be maintained in the school, unless the parent proves his inability to contribute. Similar power when no order is made on commitment.

11. Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order, and such payment may be enforced in any manner in which penalties for offences may be enforced. Duration of order.

12. The Chief Secretary may in his discretion remit either wholly or partially any such order or payment. Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require on the application either of the person on whom such order or decree is made or of the school attendance committee or their agent, on fourteen days' notice being first given of such application to the school attendance committee or their agent or to such persons respectively. Power to remit or vary order for contribution.

13. Where an attendance order obtained in pursuance of section four of the Irish Education Act, 1892, is not complied with without any reasonable excuse within the meaning of said Act, two justices or a magistrate may, in addition to the jurisdiction conferred on them by the said Act, on complaint made by the school attendance committee, order as follows:— When child may be sent to day industrial school 55 & 56 Viet. c. 42.

(1.) If the parent on the hearing of said complaint satisfies the court that he has used all reasonable efforts to enforce compliance with the order, the court may, without inflicting a penalty, order the child to be sent to a certified day [275.] A 2

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industrial school, and if it appears to the court that there is no such school suitable for the child, then to a certified industrial school:

- (2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a 5 certified day industrial school, and if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may, in its discretion, inflict the penalty prescribed in such case by the Irish Education Act, 1892, or it may for each such non-compliance inflict any 10 such penalty prescribed as aforesaid without ordering the child to be sent to an industrial school; provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the school attendance committee at any less 15 interval than two weeks. The child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools (Ireland) Act, 1868, and when so sent shall be deemed to have been sent in pursuance of that Act and the 20 Acts amending the same, and the parent if liable under the said Acts to contribute to the maintenance and training of his child when sent to a certified industrial school, shall be liable so to contribute when his child is sent in pursuance of this section. 25

Duty of school attendance committee to take proceedings.

14. Where the school attendance committee is informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under the Irish Education Act, 1892, to attend school or to be sent under this Act, or under the Industrial Schools (Ireland) Act, 1868, or any Act 30 amending the same, to a certified industrial school, it shall be the duty of the school attendance committee to take proceedings under this Act, or the Industrial Schools (Ireland) Act, 1868, accordingly, unless the school attendance committee think it is inexpedient to take such proceedings. 35

Power to detain child in school during certain hours.

15. Any child authorised by the Industrial Schools (Ireland) Act, 1868, or any Act amending the same, to be sent to a certified industrial school may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a day industrial school by an order of a 40 court may, during the period specified in the order, be there detained during such hours as may be authorised by the rules of the school approved by the Chief Secretary.

16. Where a child is sent to a certified industrial school, or certified day industrial school, under this Act, or the Industrial Schools (Ireland) Act, 1868, upon the complaint or representation of the school attendance committee under the Irish Education Act, 1892, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a licence under section twenty-one of the Industrial Schools (Ireland) Act, 1868, to live out of the school; but the licence shall be conditional upon the child attending as a day scholar in such regular manner as is specified in the licence some school willing to receive him, and approved of by said managers named in the licence.

A.D. 1904.

Licence for child to live out of school.

17. The managers of a certified day industrial school may, upon request by a school attendance committee, and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child, such sum not less than one shilling per week, as the Chief Secretary from time to time fixes, receive such child into the school under an attendance order or without an order of the court, [and there may be contributed out of moneys provided by Parliament in respect of that child such sum and on such conditions as the Chief Secretary from time to time recommends.]

Power to receive child without order of court

18.—(1.) The Lord Lieutenant, by Order in Council, may from time to time apply to a day industrial school the provisions of the Industrial Schools (Ireland) Act, 1868, and the Acts amending the same, with such modifications as may be necessary or proper for adapting such provisions to a day industrial school and bringing them into conformity with this Act.

Power to apply 31 & 32 Vict. c. 20. to any industrial school.

(2.) The Lord Lieutenant may, by Order in Council, revoke and vary any Order in Council made under this section.

(3.) Every such Order shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, and if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

19. The Chief Secretary may from time to time make, and when made revoke and vary, the form of orders for sending a child to a day industrial school and the manner in which children are to be sent to such school.

Forms of orders.

Day Industrial Schools
(Ireland). [H.L.]

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INTROD

An Act to enable Day Industrial Schools
to be established in Ireland.

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